

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:09-cv-00409-WMS

Czuba v. IKO Manufacture, Inc.
Assigned to: Hon. William M. Skretny
Demand: \$5,000,000
Cause: 28:1332 Diversity-Property Damage

Date Filed: 04/29/2009
Date Terminated: 12/08/2009
Jury Demand: Plaintiff
Nature of Suit: 385 Prop. Damage Prod. Liability
Jurisdiction: Diversity

Plaintiff

Gerald P. Czuba

represented by **Arnold Levin**
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ATTORNEY TO BE NOTICED

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Plaintiff

Curtis Czajka

represented by **Arnold Levin**
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LEAD ATTORNEY
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Brendan S. Thompson
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Charles Joseph LaDuca
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Clayton D. Halunen

(See above for address)

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PRO HAC VICE

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David G. Jay

(See above for address)

LEAD ATTORNEY

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Shawn J. Wanta

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Joseph W. Dunbar

(See above for address)

Plaintiff

Richard Peleckis

*individually and on behalf of a Class of others
similarly situated*

represented by **Arnold Levin**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Brendan S. Thompson

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Charles Joseph LaDuca

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Clayton D. Halunen

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Shawn J. Wanta

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LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Joseph W. Dunbar
(See above for address)

V.

Defendant

IKO Manufacture, Inc.
a Delaware Corporation

represented by **Joseph W. Dunbar**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

IKO Industries, LTD
a Canadian corporation

Defendant

IKO Sales, LTD
a Canadian corporation

Defendant

IKO Pacific, INC
a Washington corporation

represented by **Joseph W. Dunbar**
(See above for address)
LEAD ATTORNEY

Defendant

IKO Chicago, INC
an Illinois corporation

represented by **Joseph W. Dunbar**
(See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
04/29/2009	<u>1</u>	COMPLAINT against IKO Manufacture, Inc. (Filing fee \$350.00 receipt number 012460), filed by Gerald P. Czuba. (DLC) (Entered: 04/30/2009)
04/29/2009	<u>1</u>	Summons Issued as to IKO Manufacture, Inc.. (DLC) (Entered: 04/30/2009)
04/29/2009	<u>2</u>	AUTOMATIC REFERRAL to Mediation. (DLC) (Entered: 04/30/2009)
05/07/2009	<u>3</u>	NOTICE by Gerald P. Czuba <i>for Motion Pro Hac Vice Application of Brendan S. Thompson</i> (LaDuca, Charles) (Entered: 05/07/2009)
05/08/2009	<u>1</u>	E-Filing Notification: <u>3</u> NOTICE by Gerald P. Czuba for Motion Pro Hac Vice Application of Brendan S. Thompson (filed by LaDuca, Charles). <i>Document must be re-filed using the Motion event.</i> (DLC) (Entered: 05/08/2009)
05/08/2009	<u>4</u>	NOTICE by Gerald P. Czuba <i>for Admission Pro Hac Vice of Brendan S. Thompson</i> (LaDuca, Charles) (Entered: 05/08/2009)
05/11/2009	<u>1</u>	SECOND E-Filing Notification: <u>4</u> NOTICE by Gerald P. Czuba for Admission Pro

		Hac Vice of Brendan S. Thompson (filed by LaDuca, Charles.) <i>Document must be re-filed using the correct event (Motion).</i> (DLC) (Entered: 05/11/2009)
05/11/2009	<u>I 5</u>	MOTION for Leave to Appear for Admission to Practice Pro Hac Vice of Brendan S. Thompson by Gerald P. Czuba.(LaDuca, Charles) (Entered: 05/11/2009)
05/12/2009	<u>I</u>	Remark – Brendan S. Thompson is admitted to practice in Maryland. (DLC) (Entered: 05/12/2009)
05/14/2009	<u>I 6</u>	SUMMONS Returned Executed by Gerald P. Czuba. IKO Manufacture, Inc. served on 5/4/2009, answer due 5/26/2009. (LaDuca, Charles) Modified on 5/15/2009 to correct service party (SG). (Entered: 05/14/2009)
05/15/2009	<u>I</u>	E-Filing Notification: <u>6</u> SUMMONS Returned Executed by Gerald P. Czuba. IKO Manufacture, Inc. served on 5/4/2009, answer due 5/26/2009. (LaDuca, Charles) Modified on 5/15/2009 to correct service party (SG). (SG) (Entered: 05/15/2009)
05/15/2009	<u>I</u>	Answer due date updated as to IKO Manufacture, Inc. answer due 5/26/2009 (SG) (Entered: 05/15/2009)
05/19/2009	<u>I 7</u>	NOTICE of Appearance by Charles Joseph LaDuca on behalf of Gerald P. Czuba (LaDuca, Charles) (Entered: 05/19/2009)
05/21/2009	<u>I</u>	E-Filing Notification: <u>7</u> NOTICE of Appearance by Charles Joseph LaDuca on behalf of Gerald P. Czuba (filed by LaDuca, Charles.) <i>Document is not in compliance with signature requirements, signatory to document must be the same as e-filer. Document must be re-filed.</i> (DLC) (Entered: 05/21/2009)
05/21/2009	<u>I 8</u>	TEXT ORDER. IT HEREBY IS ORDERED that the <u>5</u> Motion for Admission to Practice Pro Hac Vice as to Brendan S. Thompson is DENIED for failure to comply with Local Rule 83.1(l). SO ORDERED. Issued by William M. Skretny U.S.D.J. on 5/19/2009. (MEAL) (Entered: 05/21/2009)
05/21/2009	<u>I 9</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by IKO Manufacture, Inc..(Dunbar, Joseph) (Entered: 05/21/2009)
05/21/2009	<u>I 10</u>	NOTICE of Appearance by David G. Jay on behalf of Gerald P. Czuba (Jay, David) (Entered: 05/21/2009)
05/21/2009	<u>I 11</u>	NOTICE by Gerald P. Czuba <i>Notice of Pro Hac Vice of Robert K. Shelquist</i> (LaDuca, Charles) (Entered: 05/21/2009)
05/21/2009	<u>I 12</u>	NOTICE by Gerald P. Czuba <i>Notice of Pro Hac Vice of Arnold Levin</i> (LaDuca, Charles) (Entered: 05/21/2009)
05/21/2009	<u>I 13</u>	NOTICE by Gerald P. Czuba <i>Notice of Pro Hac Vice of Charles E. Schaffer</i> (LaDuca, Charles) (Entered: 05/21/2009)
05/22/2009	<u>I</u>	E-Filing Notification: <u>12</u> NOTICE by Gerald P. Czuba Notice of Pro Hac Vice of Arnold Levin, <u>11</u> NOTICE by Gerald P. Czuba Notice of Pro Hac Vice of Robert K. Shelquist, and <u>13</u> NOTICE by Gerald P. Czuba Notice of Pro Hac Vice of Charles E. Schaffer (filed by LaDuca, Charles.) <i>All three documents must be refiled using the event Motion to Appear.</i> (DLC) (Entered: 05/22/2009)
05/22/2009	<u>I 14</u>	MOTION for Leave to Appear Pro Hac Vice of Arnold Levin by Gerald P. Czuba.(LaDuca, Charles) (Entered: 05/22/2009)
05/22/2009	<u>I 15</u>	MOTION for Leave to Appear Pro Hac Vice of Charles E. Schaffer by Gerald P.

		Czuba.(LaDuca, Charles) (Entered: 05/22/2009)
05/22/2009	<u>¶ 16</u>	MOTION for Leave to Appear Pro Hac Vice Of Robert K. Shelquist by Gerald P. Czuba.(LaDuca, Charles) (Entered: 05/22/2009)
05/22/2009	<u>¶ 17</u>	MOTION for Leave to Appear Pro Hac Vice of Michael McShane by Gerald P. Czuba.(LaDuca, Charles) (Entered: 05/22/2009)
05/22/2009	<u>¶ 18</u>	MOTION for Extension of Time to File Answer re <u>9</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint by IKO Manufacture, Inc..(Dunbar, Joseph) (Entered: 05/22/2009)
05/26/2009	<u>¶</u>	Remark – Arnold Levin and Charles Schaffer is admitted to practice in PA; Robert Shelquist is admitted to practice in Minnesota; and Michael McShane is admitted to practice in CA. All of the above attorneys are in good standing. (DLC) (Entered: 05/26/2009)
05/26/2009	<u>¶ 19</u>	NOTICE of Appearance by Charles Joseph LaDuca on behalf of Gerald P. Czuba (LaDuca, Charles) (Entered: 05/26/2009)
05/26/2009	<u>¶ 20</u>	MOTION for Leave to Appear Notice of Pro Hac Vice for Clayton D. Halunen by Gerald P. Czuba.(LaDuca, Charles) (Entered: 05/26/2009)
05/26/2009	<u>¶ 21</u>	MOTION for Leave to Appear Notice of Pro Hac Vice for Shawn J. Wanta by Gerald P. Czuba.(LaDuca, Charles) (Entered: 05/26/2009)
05/26/2009	<u>¶ 22</u>	MOTION for Leave to Appear Notice of Pro Hac Vice for Christopher J. Jozwiak by Gerald P. Czuba.(LaDuca, Charles) (Entered: 05/26/2009)
05/27/2009	<u>¶</u>	Remark – Clayton Halunen, Shawn Wanta and Christopher Jozwiak is authorized to practice in Minnesota. (DLC) (Entered: 05/27/2009)
06/02/2009	<u>¶ 23</u>	TEXT ORDER. IT HEREBY IS ORDERED THAT the <u>9</u> Defendant's Motion for Extension of Time to Answer or otherwise respond to Plaintiff's Complaint is GRANTED. Time is extended to 6/22/2009. SO ORDERED. Issued by William M. Skretny U.S.D.J. on 5/29/2009. (MEAL) (Entered: 06/02/2009)
06/08/2009	<u>¶ 24</u>	MOTION for Leave to Appear Pro Hac Vice <i>Brendan S. Thompson</i> by Gerald P. Czuba.(LaDuca, Charles) (Entered: 06/08/2009)
06/09/2009	<u>¶</u>	Remark – Brendan Thompson is admitted to practice in Maryland. (DLC) (Entered: 06/09/2009)
06/15/2009	<u>¶</u>	Pro Hac Vice fee paid for Shawn J. Wanta: \$75.00, receipt number 013228. (DLC) (Entered: 06/29/2009)
06/15/2009	<u>¶</u>	Pro Hac Vice fee paid for Clayton D. Halunen: \$75.00, receipt number 013229. (DLC) (Entered: 06/29/2009)
06/22/2009	<u>¶ 25</u>	MOTION for Extension of Time to File Answer <i>or Otherwise Respond to Plaintiff's Complaint</i> by IKO Manufacture, Inc..(Dunbar, Joseph) (Entered: 06/22/2009)
06/25/2009	<u>¶ 26</u>	AMENDED COMPLAINT against Gerald P. Czuba, filed by Gerald P. Czuba.(LaDuca, Charles) (Entered: 06/25/2009)
06/26/2009	<u>¶ 27</u>	TEXT ORDER. IT HEREBY IS ORDERED that the <u>14 15 16 17 20 21 22 24</u> Motions for Pro Hac Admission of Arnold Levin, Charles E. Schaffer, Robert K. Shelquist, Michael McShane, Clayton D. Halunen, Shawn J. Wanta, Christopher D. Jozwiak and Brendan S. Thompson are GRANTED, subject to payment of the

		requisite fees. SO ORDERED. Issued by William M. Skretny U.S.D.J. on 6/24/2009. (MEAL) (Entered: 06/26/2009)
06/26/2009	<u>İ 28</u>	ORDER granting <u>18</u> Defendant's Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff's Complaint. Time is extended until 7/20/2009. SO ORDERED. Issued by William M. Skretny U.S.D.J. on 6/24/2009. (MEAL) (Entered: 06/26/2009)
06/30/2009	<u>İ</u>	Pro Hac Vice fee paid for Brendan Thompson: \$75.00, receipt number 013410. (DLC) (Entered: 07/01/2009)
07/07/2009	<u>İ</u>	Pro Hac Vice fee paid for Robert K. Shelquist: \$75.00, receipt number 013472. (DLC) (Entered: 07/14/2009)
07/09/2009	<u>İ</u>	Summons Issued as to IKO Industries, LTD, IKO Sales, LTD, IKO Pacific, INC, IKO Chicago, INC, IKO Manufacture, Inc., for the Amended Complaint. (DLC) (Entered: 07/09/2009)
07/20/2009	<u>İ 29</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by IKO Pacific, INC, IKO Chicago, INC, IKO Manufacture, Inc..(Dunbar, Joseph) Modified on 7/21/2009 (DLC). (Entered: 07/20/2009)
07/20/2009	<u>İ 30</u>	MOTION for Leave to Appear Pro Hac Vice by IKO Pacific, INC, IKO Chicago, INC, IKO Manufacture, Inc..(Dunbar, Joseph) Modified on 7/21/2009 (DLC). (Entered: 07/20/2009)
07/21/2009	<u>İ</u>	E-Filing Notification: Corrected docket text re <u>30</u> MOTION for Leave to Appear Pro Hac Vice and <u>29</u> MOTION pursuant to out of town attorney Jack Tyson they only represent three of the defendants' filed by local counsel Joseph Dunbar. Modified on 7/21/2009 (DLC). (Entered: 07/21/2009)
07/21/2009	<u>İ</u>	Remark – Andrew George Klevorn is authorized to practice in Illinois. (DLC) (Entered: 07/21/2009)
08/06/2009	<u>İ 31</u>	TEXT ORDER. IT HEREBY IS ORDERED that Defendant IKO Manufacturing, Inc.'s <u>29</u> Motion for Extension of Time to Answer or Otherwise Respond to Plaintiffs' Amended Complaint is GRANTED. The Court will stay Defendant IKO Manufacturing Inc.'s time to answer or other wise respond at this time subject to reconsideration at a later date. Counsel for the parties are DIRECTED to file a status report with the Court regarding any pending Multi-District Litigation no later than 9/20/2009. SO ORDERED. Issued by William M. Skretny U.S.D.J. on 7/31/2009. (MEAL) (Entered: 08/06/2009)
09/01/2009	<u>İ 32</u>	TEXT ORDER. IT HEREBY IS ORDERED that the <u>30</u> Motion for Pro Hac Vice Admission of Andrew G. Klevorn is GRANTED, subject to payment of the requisite fee. SO ORDERED. Issued by William M. Skretny U.S.D.J. on 9/1/2009. (MEAL) (Entered: 09/04/2009)
09/18/2009	<u>İ 33</u>	STATUS REPORT <i>JOINT STATUS REPORT REGARDING PENDNIG MDL</i> by Curtis Czajka, Richard Peleckis, Gerald P. Czuba. (Thompson, Brendan) (Entered: 09/18/2009)
09/22/2009	<u>İ 34</u>	Joint MOTION to Stay <i>PROCEEDINGS PENDING DECISION BY THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION</i> by Curtis Czajka, Richard Peleckis, IKO Pacific, INC, IKO Chicago, INC, Gerald P. Czuba, IKO Manufacture, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Memorandum in Support Memorandum of Law)(Dunbar, Joseph) (Entered: 09/22/2009)

10/15/2009	<u>¶</u> 35	TEXT ORDER. IT HEREBY IS ORDERED THAT the Parties' <u>34</u> Joint Motion to Stay Proceedings Pending Decision by the Judicial Panel on Multidistrict Litigation is GRANTED. FURTHER, that the parties shall notify this Court upon receipt of the Panel's Determination. SO ORDERED. Issued by William M. Skretny U.S.D.J. on 10/8/2009. (MEAL) (Entered: 10/15/2009)
12/08/2009	<u>¶</u> 36	MULTIDISTRICT LITIGATION TRANSFER ORDER to the Central District of Illinois. Signed by Panel on Multidistrict litigation on 12/3/2009. (DLC) (Entered: 12/09/2009)
12/08/2009	<u>¶</u>	Case transferred to District of Central District of Illinois. (DLC) (Entered: 12/09/2009)